

1 LATHAM & WATKINS LLP
2 Marvin S. Putnam (Bar No. 212839)
3 *marvin.putnam@lw.com*
4 Laura R. Washington (Bar No. 266775)
5 *laura.washington@lw.com*
6 10250 Constellation Blvd., Suite 1100
Los Angeles, California 90067
Telephone: +1.424.653.5500
Facsimile: +1.424.653.5501

7 *Attorneys for Defendants*
8 Netflix, Inc., and
8 Netflix Worldwide Entertainment, LLC

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

12 FIONA HARVEY,
13 Plaintiff

14
15
16 v.
NETFLIX, INC., and NETFLIX
WORLDWIDE ENTERTAINMENT,
LLC.

|Case No. 2:24-cv-04744-RGK-AJR

**[PROPOSED] ORDER DENYING
PLAINTIFF'S REQUEST FOR
JUDICIAL NOTICE IN OPPOSITION
TO DEFENDANTS' SPECIAL
MOTION TO STRIKE**

Date: September 16, 2024
Time: 9:00 a.m.
Place: Courtroom 850

Hon. R. Gary Klausner

[PROPOSED] ORDER

Having reviewed the August 26, 2024 Request for Judicial Notice (“RJN”) filed by plaintiff Fiona Harvey (“Harvey”) in opposition to Defendants Netflix, Inc., and Netflix Worldwide Entertainment, LLC’s Special Motion to Strike (“Motion”), together with all papers filled in support of and in opposition thereto, and the parties’ oral arguments, and being fully advised, the above-entitled Court hereby DENIES Harvey’s RJN on the grounds that (1) Harvey does not identify any facts within Exhibits 1-4 and 7-9 of the Levenson Declaration that she seeks to have judicially noticed, nor does she articulate any purpose for which these documents should be noticed and (2) Exhibits 1-4, 7, and 9 are irrelevant or improperly utilized for the truth of their contents. *See, e.g., Easton v. Wells Fargo & Co.*, No. 2:20-cv-06070-AB-RAO, 2023 WL 6194043, at *4 (C.D. Cal. Aug. 18, 2023); *Capaci v. Sports Rsch. Corp.*, 445 F. Supp. 3d 607, 617 (C.D. Cal. 2020); *DalPoggetto v. Wirecard AG*, No. CV 19-0986 FMO (SKx), 2020 WL 2374948, at *2 (C.D. Cal. Apr. 15, 2020); *see also Elliot v. Lions Gate Ent. Corp.*, 639 F. Supp. 3d 1012, 1022 (C.D. Cal. 2022); *Troy Grp., Inc. v. Tilson*, 364 F. Supp. 2d 1149, 1152 (C.D. Cal. 2005). In light of the foregoing, Plaintiff’s Request for Judicial Notice is **DENIED**.

IT IS SO ORDERED.

Dated: _____, 2024

Hon. R. Gary Klausner
United States District Judge